



DEPARTMENT OF THE TREASURY  
INTERNAL REVENUE SERVICE  
Washington, D.C. 20224

SMALL BUSINESS/SELF-EMPLOYED DIVISION

February 5, 2008

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**Expires:** February 5, 2009

**Impacted IRM:** 11.3.24

MEMORANDUM FOR CHIEF, DISCLOSURE AND GLD AREA MANAGERS

FROM: Joseph R. Aceto, */s/ Joseph R. Aceto*  
Director, Governmental Liaison and Disclosure

SUBJECT: Federal Acquisition Regulation Clauses for IRS  
Procurement Actions

The purpose of this memorandum is to issue interim guidance for Governmental Liaison and Disclosure employees engaged in the review and approval of procurement actions having privacy implications. Please disseminate this memorandum to your Disclosure staff.

**Source(s) of Authority:** Federal Acquisition Regulation 39.107 states that Federal Acquisition Regulation clause 52.239-1, Privacy or Security Safeguards or similar language, is to be included in all procurement actions for information technology which require security of information technology, and/or are for the design, development, or operation of a system of records using commercial information technology services or support services.

**Effect on Other Documents:** This guidance will be incorporated into IRM 11.3.24, *Disclosure to Contractors*.

**Contact:** If you have any questions contact David Silverman, Privacy Act Senior Tax Law Specialist.

**Expiration Date:** This guidance will expire on February 5, 2009.

Attachment

cc: [www.irs.gov](http://www.irs.gov)

**FAR 52.239-1 -- Privacy or Security Safeguards (Aug. 1996)**

- (a) The Contractor shall not publish or disclose in any manner, without the Contracting Officer's written consent, the details of any safeguards either designed or developed by the Contractor under this contract or otherwise provided by the Government.
- (b) To the extent required to carry out a program of inspection to safeguard against threats and hazards to the security, integrity, and confidentiality of Government data, the Contractor shall afford the Government access to the Contractor's facilities, installations, technical capabilities, operations, documentation, records, and databases.
- (c) If new or unanticipated threats or hazards are discovered by either the Government or the Contractor, or if existing safeguards have ceased to function, the discoverer shall immediately bring the situation to the attention of the other party.